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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 KELLY WILSON,

No. C-09-5346 TEH (PR)

12 Petitioner,

13 v.

ORDER OF TRANSFER

14 A. HEDGEPEETH, Warden,

15 Respondent.  
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18 Petitioner seeks federal habeas review of a conviction  
19 from the Superior Court of the State of California in and for the  
20 County of Sutter, which lies within the venue of the Eastern  
21 District of California. See 28 U.S.C. § 84(b). Petitioner is  
22 incarcerated at Soledad State Prison in Soledad, County of Monterey,  
23 which lies within the venue of this judicial district. See id. §  
24 84(a).

25 Venue in a habeas action is proper in either the district  
26 of confinement or the district of conviction, see 28 U.S.C. §  
27 2241(d); however, petitions challenging a conviction preferably are  
28 heard in the district of conviction. See Habeas L. R. 2254-3(a);

1 Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

2           Because the County of Sutter lies within the Eastern  
3 District of California, pursuant to 28 U.S.C. § 1406(a) and Habeas  
4 Local Rule 2254-3(b) and in the interest of justice, the Court  
5 orders this Petition TRANSFERRED to the United States District Court  
6 for the Eastern District of California.

7           The Clerk shall transfer this matter and terminate all  
8 pending motions as moot.

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10           IT IS SO ORDERED.

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12 DATED       11/19/09

  
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THELTON E. HENDERSON  
United States District Judge

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